

Town of Leeds

Planning Commission Meeting for June 3, 2015

1. Call to order:
Chairman Peters called to order the regular meeting of the Planning Commission at 7:04pm on June 3, 2015, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	<u>Present</u>	<u>Absent</u>
CHAIRMAN: NORM PETERS	<u>x</u>	<u> </u>
COMMISSIONER: ELLIOTT SHELTMAN	<u>x</u>	<u> </u>
COMMISSIONER: DARRELL NELSON	<u>x</u>	<u> </u>
COMMISSIONER: STEVE LEWIS	<u> </u>	<u>x</u>

2. Invocation Commissioner Nelson.
3. Pledge of Allegiance by Commissioner Sheltnan.
4. Declaration of Abstentions or Conflicts: None.
5. Approval of Agenda:
Commissioner Sheltnan moved to approve tonight’s agenda and meeting minutes of May 6, 2015. 2nd by Commissioner Nelson. All voted “Aye”. Motion Passed.

Commissioner Lewis arrived to the meeting at 7:07pm

6. Announcements: None.
7. Public Hearings:
- a. Land Use Ordinance 2012-03, Chapter 17, Commercial District.
Commissioner Sheltnan, did we make specific requests on Ordinances that we wanted to address? That is my only question, did I miss something?
Bob Nicholson the Town Planner, the thing that we talked about in May was in the first sentence under Conditional Uses. The rest of it is a carryover from 2013. At one point there was a discussion on whether an Impound Yard should be an allowed use; that is not on the agenda anymore and is not being considered. It is just shown here; however, has been scratched out. Then in 2013, the Planning Commission did recommend approval of a proposed landscape section, which we can go over and I will explain it. I drafted it and Planning Commission acted on it in 2013; however, the Town Council did not take it up. They were too busy and it was not a high enough priority, so it was not even considered. It is still pending and so maybe we can reconsider it here tonight as part of the Public Hearing.
- Bob Nicholson read and discussed the proposed amendments to the Land Use Ordinance 2012-03, Chapter 17, Commercial District:

- 17.3 ~~All new or modifications to the exterior of a structure will require a conditional use permit even if the intended use is authorized.~~
- 17.3.3 ~~Automobile Impound Yard, provided that such yard does not exceed 10,000 sq ft, and that the yard is fully enclosed by a sight-obscuring 6' (or higher if required by the Town Council) fence or wall, (also note special requirements in Section 17.4 and 17.10 of this chapter). The Impound lot must comply with the Utah State Standards—R873-22M-17, Section 41-1a-1101.~~
- 17.4.4 Site Plan: Must meet the requirements of the Commercial Site Development Plan Chapter 26 (Chapter 26).
- 17.4.5 Landscape Standards: Leeds Town encourages water-wise landscaping (xeriscaping) and the following landscape requirement is intended to promote town beautification and water conservation. The minimum landscape requirement consists of a landscape strip outside of the street right-of-way along the front of the property. The landscape strip shall have an average width of 10', but no less than 6' at the narrowest point. The driveway area may be excluded from the landscape area calculation for the purpose of determining the minimum required landscape area. The Town Council may approve an alternate landscape location if the applicant can demonstrate that the front of the property is not feasible to be landscaped. Also, along Main Street the Town Council may allow up to one-half of the landscape area to be located within the street right-of-way, provided that written permission for such is obtained from the Utah Dept. of Transportation (UDOT).
- 17.4.5.1 At least one-half (50%) of the required landscape area shall be covered with live foliage consisting of shrubs, trees, or ground cover. Landscape areas shall be provided with a permanent automatic irrigation system. The landscape area and irrigations system shall be maintained in good condition.
- 17.4.5.2 The landscape requirement applies to all new development within the commercial zone, and the remodeling or expansion of existing development where there is an increase in the building's floor area by 50% or more.
- 17.4.5.3 Landscape definition: Any combination of living plants, such as trees, shrubs, ground covers, flowers, grass, or other plants that are generally not considered to be weeds or noxious plants, along with non-vegetative ground cover such as rock or stone.
- 17.10.1. ~~All material and merchandise, except vehicles in running order, shall be stored in an enclosed building or within an enclosure surrounded by a sight-obscuring fence or wall of not less than six (6) feet in height and no material or merchandise shall be stored to a height of more than the height of the enclosing fence or wall. The fence or wall if adjacent to residential property may not exceed six (6) feet in height without a conditional use permit. The fence or wall must not be closer than fifty (50) feet to any street.~~ Where commercial development abuts residential property the commercial property developer shall provide a 6' tall solid masonry wall along the property line separating the commercial and residential properties. Within a front

setback area along a public street the Town Council may require a wall up to 4 feet in height.

Commission Members, Bob Nicholson and Angela Rohr discussed the wall amendments in section 17.10.1.

Commissioner Lewis asked Bob Nicholson in section 17.5.2, where it says heavy passenger car or truck traffic, is there any definition someplace else that helps us define the word heavy? Someone can come in and say "I don't think it is heavy" where I think it is heavy. Now who would decide what heavy is? Is there something somewhere else that can help us figure out what the word heavy means? I realize that there could be a definition somewhere else. To me, it is a debatable word.

Bob Nicholson, it can be done, that is in the section of Conditional Use Evaluation Criteria, so I think the intent here is that if somebody comes forward with a Conditional Use Application, part of your justification then would be to evaluate if it does produce heavy traffic and that is debatable.

Commissioner Lewis, you pointed out something that I missed, which is conditional use. When I read it, I wasn't applying the word conditional use very well.

Bob Nicholson and Commissioner Lewis discussed it further.

Commissioner Lewis made a motion to open the Public Hearing on Chapter 17, 26 and 7 of the Land Use Ordinances. 2nd by Commissioner Nelson. All Voted "Aye". Motion passed.

Angela Rohr, under section 17.3, crossing out "All new or modifications to the exterior of a structure will require a conditional use permit even if the intended use is authorized" and your deleting it, the reason behind that is?

Bob Nicholson, it seems very confusing and unnecessary. At our last meeting we had a club house, a small 1000 sq. foot club house in an RV Park. A RV Park is a permitted use in a commercial zone. This language comes in and says "All new or modifications to the exterior of a structure", regardless of how big, small or whatever, or even the fact that it is a permitted use says "requires a Condition Use Permit". It just does not make sense to require that if something is a permitted use and it is going to be new construction; that is kind of typical because it is not retroactive, so it is going to be new construction.

Angela Rohr, so they could be replacing a porch.

Commissioner Lewis, then they would be required to do a Conditional Use Permit.

Angela Rohr and that is a pretty expensive process.

Commission Members, Angela Rohr and Bob Nicholson discussed the Town's code enforcement.

- b. Land Use Ordinance 2012-02, Chapter 26, Commercial Site Development Plan.
Bob Nicholson read the proposed amendments to Land Use Ordinance 2012-02, Chapter 26, Commercial Site Development Plan:

4.2.2 Public Hearing

For major projects, the Planning Commission shall schedule a public hearing to hear discussion on the proposed development and Site Analysis. For purposes of this chapter, a major project is defined as a commercial, mixed-use, or multi-family project which involves new construction of a 10,000 sq. feet or larger building.

Commission Members and Bob Nicholson discussed Chapter 26 amendments.

Angela Rohr, I have a question, in Site Development, if a lot has had a sight on it in the past that was abandoned and there is really no structures still standing that are usable, would that be considered a new site when somebody wants to do something with it?

Bob Nicholson yes, the building permit is only good for 180 days typically. Some Cities have extended that to a year. The site plan itself if it was a subdivision, the preliminary plat has an expiration of one year. If it is a recorded plat, those are vested and still good indefinitely. If it was just a site plan, it is one year according to the Ordinance.

Bob Nicholson, Commission Members and Angela Rohr discussed site development requirements for different properties and amendments to Chapter 7 further.

- c. Land Use Ordinance 2012-03, Chapter 7, Conditional Uses.
Amendments to Chapter 7:

~~7.5.3.4 All construction in a Commercial zone including alteration, modification, new, structural, and non-structural.~~

Commissioner Nelson made a motion to close the Public Hearing on Chapter 17, 26 and 7 of the Land Use Ordinances. 2nd by Commissioner Lewis. All voted "Aye". Motion passed.

Bob Nicholson and Commissioner Members discussed chapter 7, Conditional Uses further.

8. Action Items:

- a. Discussion and possible action on Land Use Ordinance 2012-03, Chapter 17, Commercial District.
Commissioner Sheltman made a motion to approve amendments to Ordinance 2012-03, Chapter 17, Commercial District as they are written. 2nd by Commissioner Lewis. All voted "Aye". Motion passed
- b. Discussion and possible action on Land Use Ordinance 2012-02, Chapter 26, Commercial Site Development Plan.
Commissioner Nelson made a motion to approve the Land Use Ordinance changes on Ordinance 2012-02, Chapter 26, Commercial Site Development Plan. 2nd by Commissioner Sheltman. All voted "Aye". Motion passed.
- c. Discussion and possible action on Land Use Ordinance 2012-03, Chapter 7, Conditional Uses.
Commissioner Lewis made a motion to approve amendments to the Land Use Ordinance 2012-03, Chapter 7, Conditional Use. 2nd by Commissioner Sheltman. All voted "Aye". Motion passed.

9. Discussion Items:

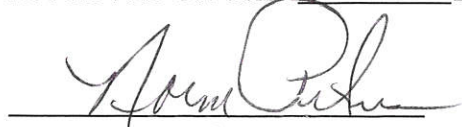
- a. Alberta Pace, 11 lot Subdivision
Item cancelled.

10. Staff Reports: None

11. Adjournment:

Commissioner Nelson moved to adjourn the meeting. 2nd by Commissioner Sheltman. All voted "Aye". Motion Passed.
Time: 8:00pm.

APPROVED ON THIS 1 DAY OF July, 2015



Norm Peters, Chair

ATTEST:



Kristi Barker, Deputy Clerk/Recorder